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## SENATE BILL No. 212

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-2-6-5.

**Synopsis:** Expense advances to driver employees. Authorizes under certain circumstances an employer that is engaged in the transportation of property or household goods over public highways to deduct from wages earned in a subsequent pay period amounts advanced to a driver employee for business expenses and not adequately substantiated. Requires an employer to provide notice to the driver employee at the time of the advance that amounts in excess of substantiated expenses may be deducted from a subsequent paycheck. Provides that the deduction may not be considered a fine, wage deduction, or wage assignment.

**Effective:** July 1, 2008.

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**Bray**

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January 8, 2008, read first time and referred to Committee on Pensions and Labor.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## SENATE BILL No. 212

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 22-2-6-5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2008]: **Sec. 5. (a) This section applies to an employer that:**

4 **(1) is engaged in the business of interstate or intrastate**  
5 **transportation of property or household goods over public**  
6 **highways in Indiana; and**

7 **(2) either:**

8 **(A) holds a registration issued by the Federal Motor**  
9 **Carrier Safety Administration under 49 U.S.C. 13902; or**

10 **(B) is subject to the safety and certification requirements**  
11 **of the department of state revenue under IC 8-2.1-24.**

12 **(b) An employer that:**

13 **(1) uses cash, an electronic transfer, or another means after**  
14 **June 30, 2008, to advance to a driver employee the amount of**  
15 **an anticipated business expense not yet incurred; and**

16 **(2) provides the notice described in subsection (c);**  
17 **may deduct from wages earned by the driver employee in a**



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1 subsequent pay period the amount of the advance in excess of the  
2 amount that the driver employee adequately substantiates as  
3 described in subsection (c).

4 (c) An employer may not make a deduction under subsection (b)  
5 unless, at the time of the advance, the employer provides notice to  
6 the driver employee that the amount advanced may be deducted  
7 from a subsequent paycheck to the extent the amount exceeds the  
8 amount that is substantiated with:

9 (1) a receipt; or

10 (2) other appropriate documentary evidence;  
11 that at least complies with the requirements applicable to  
12 reimbursement or other expense allowance arrangements under 26  
13 U.S.C. 62(c).

14 (d) A deduction under subsection (b) may not be considered:

15 (1) a fine under IC 22-2-8-1;

16 (2) a wage deduction under this article; or

17 (3) a wage assignment under IC 22-2-7 or section 2 of this  
18 chapter.

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